## *REMARKS – Summary*

Applicant would respectfully like to highlight the following facts, each of which is discussed further in detail below:

(a) Overview of a Classic Teletext / Videotext System

(b) Staron Teaches An Extension Of The Classic Videotext / Teletext System

(c) Chang And Non Real-Time Insertion of Teletext Contact Data

(d) Navigating Teletext Contact Data Memory In Both a TV And a Remote Control Device

(e) Conclusion

### (a) Overview of a Classic Teletext / Videotext System

(i) "*Teletext*. This is a technique by which special text 'pages' of information are transmitted to TV screens along with the ordinary TV picture, **giving the viewer the *choice* between a television programme or text on the screen. The user can *choose* between 'pages' carried by the teletext system** but there are no interactive features. Teletext is relatively inexpensive to produce. The necessary 'decoder' with which the TV set must be equipped is relatively cheap, and its use is free of charge. Furthermore, the medium is easy to use.
The highest penetration of teletext is found in Great Britain and Sweden where up to 20% of the households had teletext by the end of 1986. In most West European countries a substantial percentage of new sets are equipped with teletext. In the U.S.A. teletext is practically unknown. The main reasons are the inability of industry to decide on one system concept and the fear of TV stations that teletext

will be used during commercial breaks." *(The Use of Electronic Media for Advertising and Selling: A Consumer Policy Outline*, Folke Ölander and Preben Sepstrup).

"**Technology**. Teletext information is broadcast in the vertical blanking interval between image frames in a broadcast television signal. It is closely linked to the PAL broadcast system, and most PAL televisions include teletext decoders. Other teletext systems have been developed to work with the SECAM and NTSC systems, but teletext failed to gain widespread acceptance in North America and other areas where NTSC is used. In contrast, teletext is nearly ubiquitous across Europe as well as some other regions, with most major broadcasters providing a teletext service. Common teletext services include TV schedules, regularly updated current affairs and sport news, simple games (such as quizzes) and subtitling for deaf people or in different languages.

**Teletext uses a numbered page metaphor to present its information, all of which is broadcast in sequence; when a viewer keys in a page number, the receiver waits until that information is broadcast again, typically within a few seconds, and retrieves it for display on-screen. More sophisticated systems use a buffer memory to store some or all of the teletext pages, for instantaneous display.**

**Data Transmission**. In the case of the Ceefax and ORACLE systems and their successors in the UK, the teletext signal is transmitted as part of the ordinary analogue TV signal but concealed from view in the Vertical Blanking Interval (VBI) television lines which do not carry picture information. The teletext signal is digitally coded as 45-byte packets, so resulting data rate is 7,175 bits per second per used lines (41 7-bit 'bytes' per line, on each of 25 frames per second).

A standard PAL signal contains 625 lines of video data per screen, broken into two "fields" containing half the lines of the whole image. Lines near the top of the screen are used to synchronize the display to the signal, and are not seen on-screen. CEPT1 hides the data in these lines, where they are not visible, using lines 6–22 on the first field and 318–335 on the second field. The system does not have to use all of these lines; a unique pattern of bits allows the decoder to identify which lines contain data. Some teletext services use a great number of lines, others, for reasons of bandwidth and technical issues, use fewer.

**A teletext page comprises one or more frames, each containing a screen-full of text. The pages are sent out one after the other in a continual loop. When the user requests a particular page the decoder simply waits for it to be sent, and then captures it for display. In order to keep the delays reasonably short, services typically only transmit a few hundred frames in total. Even with this limited number, waits can be up to 30 seconds, although teletext broadcasters can control the speed and priority with which various pages are broadcast.**

**Modern television sets, however, usually have a built-in memory, often for a few thousand different pages. This way, the teletext decoder captures every page sent out and stores it in memory, so when a page is requested by the user it can be loaded directly from memory instead of having to wait for the page to be transmitted. When the page is transmitted again, the television checks if the page in memory is still up-to-date and updates it if necessary.**

The text can be displayed instead of the television image, or superimposed on it (a mode commonly called mix). Some pages, such as subtitles (closed captioning), are in-vision, meaning that text is displayed in a block on the screen covering part of the television image.

The original standard provides a monospaced 40×24 character grid. Characters are sent using a 7-bit codec, with an 8th bit employed for error detection. The standard was improved in 1976 to allow for improved appearance and the ability to individually select the color of each character from a palette of 8. The proposed higher resolution Level 2 (1981) was not adopted in Britain (in-vision services from Ceefax & ORACLE did use it at various times however, though even this was ceased by the BBC in 1996), although transmission rates were doubled from two to four lines a frame in 1981." (emphasis added) (http://en.wikipedia.org/wiki/Teletext#Technology)

(ii) "*Videotext*. This is an information and communication system in which the

user, via the telephone, connects to one or several databases using an extended TV set or the monitor of a personal computer as screen. The necessary hardware is relatively costly. Videotext gives access to information (like teletext) and to transaction services, calculation facilities, and electronic mail.
All prognoses for the household penetration of videotext have proved exaggerated in both the U.S.A. and Europe." *(The Use of Electronic Media for Advertising and Selling: A Consumer Policy Outline*, Folke Ölander and Preben Sepstrup; Journal of Consumer Policy 10 (1987))

### (b) **Staron Teaches An Extension Of The Classic Videotext / Teletext System**

When Staron is read in its entirety, it is obvious to one skilled in the pertinent art, that Staron teaches an **extension** to a **classic** videotext / teletext system (see section [a] above for an overview of a classic teletext system). Staron teaches:

i) Videotext / teletext is broadcast on **multiple, simultaneous television channels**, on various subjects (e.g. Staron's "`news, weather forecasts and television programs`", `col. 1, ll. 18-20`), **independent of what (i.e. unrelated)** a television viewer currently sees on a television (TV) screen: in "`the case of teletext, which is the type of videotext used in Europe, the tuner is preferably of the PIP ("Picture In Picture") type` **`scanning the spectrum of`** ***`channels`*** **`in order to have a recurrent access to`** ***`each`*** **`videotext service in the various`** ***`channels`***`, and transmitting CVBS ("Color Video Burst Signal", international standard) type signals to the reception and decoding device possibly an ITT type TPU3040 or Siemens SDA5273 type device, for example adapted to the CEEFAX format`" (emphasis added) (Staron `col. 3, ll. 20-27`).

ii) A Staron television apparatus **automatically** extracts **classic** videotext / teletext from **multiple** broadcast channels (Staron `col. 3, ll. 20-27`) and "[...] `the invention uses the following process: (1)` **`teletext data are received and decoded by a receiver/decoder device located in the television or in a VCR, or connected to it`**`; (2) possibly encoded in a given format adapted to the required display type; (3) modulated and emitted from the television to the control device; (4) received by the control device and stored in memory; and, (5) then displayed on a display device.`" (`col. 4, ll. 25-30`). Clearly, Staron teaches the transmission of teletext data between a TV apparatus and a remote control device, ***after*** it has already been received and decoded by a TV apparatus.

iii) The **classic, *automatically*** extracted videotext / teletext is then ***automatically* transferred** from a Staron television apparatus to a Staron remote control device (`col.3, ll. 52-67`), similar to the ***automatic*, classic extraction** of teletext data from received broadcast television channels / signals. Staron teaches decoded teletext data being "`(3) modulated and emitted from the television to the control device; (4) received by the control device and stored in memory; and, (5) then displayed on a display device.`" (`col. 4, ll. 25-30`).

iv) A television viewer can then browse and read the videotext / teletext stored in the Staron remote control device and use the TV to watch a specific TV program **without a viewing conflict when reading classic videotext / teletext**, i.e. "`the television viewer` **`can see the picture on his television and teletext pages on its remote control at the same time`**" (Staron `col. 4, ll. 34-36`). In a **classic** videotext / teletext system, whenever a viewer wants to browse teletext page information, which is generally unrelated to a viewed TV picture, **the television screen is**

**dedicated to the teletext information viewing system, i.e. *interrupting, and replacing* a viewer's chosen television program**. On some systems, a currently viewed TV program is displayed in a small PIP (Picture-In-Picture) window when a viewer is accessing a TV's **classic** teletext system.

Staron's extension to a classic videotext / teletext system ***teaches away*** from Applicant's invention, which teaches ***a new and unexpected use*** of teletext data in an advertisement's broadcast TV signal.

### (c) Chang And Non Real-Time Insertion of Teletext Contact Data

Examiner asserts that Chang teaches **non real-time insertion of teletext contact data in a television signal of an advertisement** by citing Change (`Para. 0029, ll. 1-4; Para. 30, ll. 3-7`). Applicant respectfully **disagrees** with Examiner's assertions for the following reasons, when reading Chang in its entirety:

Chang [`Para 0045`] teaches: a "`user may respond off-line to an embedded internet style ad. Advertisements can be normal broadcast ads (such as TV commercials) or embedded ads, which` **`may be pre-stored in a device connected to the TV`** `(such as an Internet-TV or set-top box). For example, web pages, email, or other information may be stored in a set-top box appliance` **`for convenient leisurely offline review by a user`**" (emphasis added).

Chang's ***pre-storing*** of data for "`convenient leisurely offline review by a user`" **is *not* the same as non real-time embedding teletext contact data in an advertisement's television signal**. Embedding an advertisement's contact data in an advertisement's television teletext signal is clearly **<u>not</u>** the same as **pre-storing** similar data in "`a device connected to the TV`" as taught by Chang.

Furthermore, Chang's **pre-storing** of data ***<u>separates</u>*** a television signal's associated data from the broadcast television (TV) signal, which are each received, i.e. **<u>not</u>** inserted in the associated broadcast TV signal, at a Chang viewer's television apparatus at different times. Firstly, it is unclear in combining Staron and Chang as to how a viewer's television apparatus would associate a broadcast television advertisement with pre-stored associated data sent to a viewer's TV apparatus via Examiner's claimed Chang method. Secondly and more importantly, this assertion clearly ***<u>teaches away</u>*** from Applicant's invention, which transmits **<u>all</u>** pertinent TV advertisement's information ***<u>simultaneously</u>*** to a viewer's television apparatus, **<u>but</u>** the TV advertisement's directly associated page of contact data is inserted into the advertisement's picture signal at another time, rather than at broadcast time (i.e. non real-time insertion).

To assert that Chang's "`embedded ads which may be pre-stored in a device connected to the TV`" is the same as Applicant's claimed **embedding an advertisement's contact data in non real-time in an advertisement's television signal**; extracting on demand, by a TV viewer, an advertisement's broadcast and received teletext contact data; and storing the extracted teletext data in specific television memory, **<u>is conjectural modification</u>** of a prior art disclosure which is unwarranted by such a disclosure and **<u>is therefore improper</u>** [<u>Carl Schenck, A.G. v. Norton Corp.</u>, 713 F.2d 782, 218 U.S.P.Q. (BNA) 698, 702 (Fed. Cir. 1983)].

### *(d)* <u>Navigating Teletext Contact Data Memory In Both a TV And a Remote Control Device</u>

Staron in view of Goreta does ***<u>not</u>*** teach or suggest what Applicant has claimed regarding:

(i) embedding, in non real-time to an advertisement signal's broadcast to a viewer, an advertisement's contact data as a page of teletext contact data in an advertisement's television signal;
(ii) extracting on-demand by a TV viewer teletext contact data from an advertisement's television signal received by a viewer's television (TV) apparatus;
(iii) storing on-demand, by a TV viewer, the extracted teletext contact data in **both** a television apparatus memory **and** a TV remote control memory in order
(iv) to navigate the stored teletext data as follows:

- Selecting on-demand by a TV viewer, in **either / both** the TV apparatus memory **or / and** the remote control memory, the page of contact teletext data of a displayed TV advertisement.

- Deleting in **either / both** the TV apparatus memory **or / and** the remote control device's memory, the page of contact teletext data of a displayed TV advertisement.

- Retrieving a page of contact data from **either / both** the TV apparatus memory **or / and** the remote control device's memory, and display thereof on either / both the TV apparatus or / and the remote control.

- Transferring a page of contact data from specific teletext memory in **either / both** the TV apparatus **or / and** the remote control device, to a third electronic device to contact a representative of a TV advertisement.

Examiner has used **hindsight**, which **is improper to determine obviousness** under 35 U.S.C.A. 103(a) [Orthopedic Equipment Co, v. United States, 217 U.S.P.Q. 193, 199 (C.A.F.C. 1983) and Uniroyal, Inc. v. Rudkin-Wiley Corp., 5 U.S.P.Q. 2d 1434 (C.A.F.C. 1988)]. All of the above mentioned limitations are in fact, ***not*** taught ***nor*** are they suggested by Staron or Goreta.

### (e) Conclusion

Even if Staron, Chang and Goreta are combined, the invention as defined by Applicant's independent claims **would *not* be present through a *legal* modification** of Staron and a *prima facie* case of obviousness is ***not*** established.

**Applicant respectfully submits that the rejections on these references be withdrawn**.

## ***REMARKS*** – *Claim Rejections*

1) **Claims 1 and 2** were rejected under 35 USC 112, first paragraph, wherein Examiner stated that the claims "**contain subject matter which was not properly described** in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the invention was filed, had possession of the claimed invention. **First, second and third page selection means are not fully supported by the originally filled** [*sic*] **specification**" (emphasis added).

   Applicant respectfully **disagrees** with Examiner's conclusion and would like to draw Examiner's attention to the claimed invention's specification (Para. 64-69, Para. 72, and Figure 3, labels 44-49). Applicant's invention's various page selection means **are clearly specified** in a "written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention" (see Para. 64-69, Para. 72, and Figure 3, labels 44-49).

2) **Claims 1, 3, and 13** were rejected under 35 USC 112, second paragraph, as being "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention".

(2.1) **Claim 1** has been modified to correct the "`said data signal`", etc. indefiniteness.

(2.2) **Claim 3** has been modified to correct the "`said specific television advertisement`", etc. indefiniteness.

(2.3) **Claim 13** has been modified to correct the "`said page of teletext contact data`", etc. indefiniteness.

3) Regarding Examiner's Response on Page 4 regarding **Claim 1** as rejected under 35 USC 103(a);

3.1) Examiner asserts that Staron "`teaches a television apparatus` **to extract on-demand** `television advertisement contact information (col. 1, ll. 18-20)`" (emphasis added). Firstly, Staron (`col. 1, ll. 15-29`), i.e. inclusive of Examiner's cited reference of (`col. 1, ll. 18-20`) teaches "`teletext service and its equivalents outside Europe are capable of displaying videotext pages on a television screen, namely a set of lines of alphanumeric characters, usually in color, giving a wide variety of miscellaneous information, such as for example news, weather forecasts and television programs.` **Videotext signals are transmitted on the various channels at the same time as video and audio signals. A number of pages can be displayed and information; contained in them is regularly updated.** `An example of videotext and its specifications is described in the C.C.E.T.T. (Television and Telecommunications Common Studies Center)`

**"Videotext display and coding specifications" published by D.A.I.I.** `(Industrial and International Affairs Directorate)`" (emphasis added). Clearly Examiner's cited reference in Staron teaches a ***classic*** videotext / teletext system, which is well known to one skilled in the relevant art. A **classic** videotext / teletext system does **not** teach Applicant's claimed invention "`to extract` **`on-demand`** `television advertisement contact information`" (emphasis added). A ***classic*** videotext / teletext system is clearly described in the "`C.C.E.T.T. (Television and Telecommunications Common Studies Center) "Videotext display and coding specifications" published by D.A.I.I. (Industrial and International Affairs Directorate)`" and does **not** include Applicant's ***new and unexpected*** use of teletext data. See Applicant's overview of a ***classic*** videotext / teletext system above in Applicant's **Remarks Summary** section (a).

3.2) Secondly, **it is well known in the art** that the videotext / teletext system as described by Staron does **not** "**`extract`** `[`**`viewer`**`]` **`on-demand`**" information from a television (TV) signal, but does extract **any** information whenever it is present in **any of a multiplicity** of broadcast television channels' videotext / teletext. In other words, the information extracted is usually present in television channels **not** currently viewed and displayed by the viewer. Furthermore, even in a channel currently viewed by a television user, the information **automatically** extracted by Staron's videotext / teletext system, generally has **nothing** to do with the television signal viewed by the user. In other words, Examiner's cited reference **teaches away** from Applicant's claimed invention (see Examiner's cited references: `col. 1, ll. 18-10, col. 3, ll. 52-54, figure 1 and entire`).

3.3) Examiner's cited Staron reference on Page 4 (`col. 3, ll. 52-54`) does **not** teach a "`data signal representing a page of teletext data of said television advertisement picture`". This reference teaches "`teletext data are then encoded by an encoder 4 into a specific digital data transmission format which, if we wish, can avoid using the CEEFAX format, in order to be modulated and emitted through an emitter 5`". In other words, it **teaches the *automatic* (i.e. *not* via a viewer's on-demand request as claimed by Applicant) transmission means of sending teletext data between the *viewer's television set / set-top box*, and the *viewer's remote control device***.

3.4) Examiner's cited Staron references on Page 5 (`col. 4, ll. 1-46; col. 4, ll. 33-36; col. 4, ll. 34-36`) do **not** teach Applicant's claimed "`teletext data navigation instructions to navigate said teletext data stored in said first memory in said television apparatus`".

Staron teaches a system whereby **a modified television remote control becomes an *extension* of the *classic* videotext / teletext system** whereby teletext data (***already automatically*** extracted from a broadcast television signal by Staron's television apparatus) is ***automatically*** transmitted from the TV / set-top box to a remote control device (i.e. **not on-demand by a TV viewer**) and stored in a memory on the remote control device. A Staron viewer can then browse teletext pages (i.e. page through using "next" and "previous" keys) stored in the remote control whilst still viewing a chosen television channel, i.e. "`the television viewer can see the picture on his television and teletext pages on its remote control at the same` `time"` (Staron `col. 4, ll. 34-36`).

In a ***classic*** videotext / teletext system, whenever a viewer wants to browse teletext page information, **which is generally unrelated to a viewed TV picture**, the television screen **is dedicated** to the teletext information viewing system, i.e. interrupting, and replacing a viewer's chosen television program. On some systems, the currently viewed TV program is displayed in a small PIP (Picture-In-Picture) window when a viewer is accessing a TV's classic teletext system. This is obvious to one skilled in the art, and especially to one who has viewed such a system in real-time, as Applicant has.

3.5) Examiner's cited Staron reference on Page 5 (`figure 2, label 12`) does **not** teach Applicant's claimed "`second page selection means`", but simply teaches a **classic** teletext page browsing means, i.e. "a presently preferred method of displaying videotext pages is to display the page containing the summary of the service on one side of the screen, and the pages that the viewer can scroll on the other side. Another presently preferred display method is to display two pages of the same time allowing the viewer to scroll pages individually in the same way as one would browse through a book. To facilitate use in the latter display mode, page scrolling could be controlled by **a scroll button,** for example a rocker switch type **control button 12, that causes the *next* or *previous* page or pages to be displayed** when the viewer rocks the switch in one direction or the other" (`col. 4, ll. 40-57`) [emphasis added].

3.6) Examiner's cited Staron reference on Page 5 (`col. 3, ll. 63-67`) does **<u>not</u>** teach Applicant's claimed "**`microcontroller in said television apparatus`** `coupled to […]`" (emphasis added). The Examiner's cited Staron reference teaches "`data communications link 11 may beneficially be made when the television is on "standby", in other words when the PIP tuner, the teletext decoder, the emitter and the micro-processor are switched on`", whereby **<u>the described microprocessor is in Staron's remote control device</u>** (`fig. 2, label 9`) and **<u>not</u>** in Staron's television receiver (`fig. 1`).

3.7) Examiner asserts on Page 5, that the "`combination of Staron and Chang teaches said plurality of data including contact information to contact a representative of said television advertisement, wherein said page of teletext data embedded in said television advertisement picture signal occurring at an advertisement teletext insertion time occurring in non real-time to said television advertisement picture signal transmission to said television apparatus`". Examiner then cites Staron (`col. 3, ll. 52-54`) "`which meets 'wherein said page of teletext data embedded in said television advertisement picture signal occurring at an advertisement teletext insertion time'`" **<u>and</u>** Chang "`teaches pushing advertiser contact information (telephone number) into local STB [`*`sic`*`] for off-line review (Para. 0029, ll. 1-4) which meets 'said plurality of data including contact information […]'`". Applicant respectfully **<u>disagrees</u>**

with Examiner's assertions for the following reasons:

i. Firstly, Staron (`col. 3, ll. 52-54`) does **<u>not</u>** teach "`said page of teletext data embedded in said television advertisement picture signal occurring at an advertisement teletext insertion time`", but **<u>does</u>** teach "`teletext data are then encoded by an encoder 4 into a specific digital data transmission format which, if we wish, can avoid using the CEEFAX format, in order to be modulated and emitted through an emitter 5`". In other words, it teaches the **<u>transmission means of sending teletext data between a *viewer's television set / set-top box*, and a *viewer's remote control device*</u>**. This is **<u>not</u>** claimed in Applicant's Claim 1, i.e. regarding an "insertion time".

ii. Secondly, Chang (`Para. 0029, ll. 1-4`) teaches pushing data to a television device via the "`Internet`" so that the data "`may be reviewed while disconnected from the Internet`" (`Para. 0029`). This **<u>teaches away</u>** from Applicant's claimed invention, which does **<u>not</u>** use the Internet in this manner. Applicant's invention **<u>transmits a TV advertisement picture *together*, i.e. *simultaneously* with its *associated* teletext contact data</u>**. In Applicant's invention, a broadcast advertisement's page of contact data is **<u>not</u>** broadcast separately from its picture signal to a viewer's TV apparatus.

Examiner then states that "`it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Staron to in [`*`sic`*`] include said plurality of data` `including contact information […], thereby increasing user convenience (Para. 0030, ll. 3-7)`". Applicant respectfully **<u>disagrees</u>** with Examiner's conclusion. Firstly, the cited Chang reference teaches Chang's "`present invention also provides that the user may respond to content "pushed" to the user's TV online and in real-time`", which was "pushed" via the Internet and clearly **<u>not</u>** as claimed by Applicant's invention, which does **<u>not</u>** transmit an advertisement's page of teletext contact **<u>separately</u>** from its associated TV picture signal to a viewer's TV apparatus.

Furthermore, when Chang is read in its entirety, Chang's "`pushed`" data is "`pre-stored`" in a set-top-box (see Chang `Para. 0039 - 0041, 0045 and 0050`).

In conclusion, it is clear that combining these two cited references, is ***<u>conjectural modification</u>*** of a prior art disclosure which is unwarranted by such a disclosure and **<u>is therefore improper</u>** [<u>Carl Schenck, A.G. v. Norton Corp.</u>, 713 F.2d 782, 218 U.S.P.Q. (BNA) 698, 702 (Fed. Cir. 1983)]. Clearly, neither Change, nor Staron teach, or even hint at combining these cited references and even if these references are combined, they **<u>teach away</u>** from Applicant's invention.

4) Regarding Examiner's Response on Page 6 onwards regarding **Claim 2** as rejected under 35 USC 103(a), Examiner states that "`Staron teaches the television apparatus, wherein said first page selection means, said second page selection means and said third page selection means comprise a remote control device having a plurality of command keys`

`(figure 2, label 12)`". Firstly, Examiner's rejection of **Claim 2** is moot because **Claim 2 is a Dependent Claim** and is *a fortiori* patentable over Staron. Secondly, Applicant respectfully **disagrees** with Examiner's findings. As stated above by Applicant in section (3.5), Examiner's cited reference of Staron (`figure 2, label 12`) does **not** teach Applicant's claimed multiple, functionally specific "`page selection means`", but simply teaches a **classic** teletext page browsing means, i.e. Examiner's cited reference is "`a rocker switch type` **`control button 12, that causes the next or previous page or pages to be displayed`** `when the viewer rocks the switch in one direction or the other`"(`col. 4, ll. 40-57`)" [emphasis added].

5) Regarding Examiner's Response on Page 7 regarding **Claim 3** as rejected under 35 USC 103(a);

   5.1) Examiner asserts that Staron (`col. 1, ll. 18-20`) "`teaches a television apparatus` **`to extract on-demand`** `television advertisement contact information`" (emphasis added). Firstly, Staron (`col. 1, ll. 15-29`), i.e. inclusive of Examiner's cited reference of (`col. 1, ll. 18-20`) teaches "`teletext service and its equivalents outside Europe are capable of displaying videotext pages on a television screen, namely a set of lines of alphanumeric characters, usually in color, giving a wide variety of miscellaneous information, such as for example news, weather forecasts and television programs.` **`Videotext signals are transmitted on the various channels at the same time as video and audio signals. A number of pages can be displayed and information; contained in them is regularly updated.`** `An example of videotext and` `its specifications is described in the C.C.E.T.T. (Television and Telecommunications Common Studies Center) "Videotext display and coding specifications" published by D.A.I.I. (Industrial and International Affairs Directorate)`" (emphasis added). Clearly Examiner's cited reference in Staron teaches a ***classic*** videotext / teletext system, which is well known to one skilled in the relevant art. A **classic** videotext / teletext system does **not** teach Applicant's claimed invention "`to extract` **`on-demand`** `television advertisement contact information`", which is a ***new and unexpected use*** of teletext.

A **classic** videotext / teletext system **is clearly** described in Staron's reference "`C.C.E.T.T. (Television and Telecommunications Common Studies Center) "Videotext display and coding specifications" published by D.A.I.I. (Industrial and International Affairs Directorate)`"`(col. 1, ll. 24 - 30)` and does **not** include Applicant's ***new and unexpected use*** of teletext data. See Applicant's overview of a **classic** teletext system in Applicant's **Remarks Summary** section (a).

5.2) Secondly, **it is well known in the art** that the videotext / teletext system as described by Staron does **not** "**`extract`** `[`**`viewer`**`]` **`on-demand`**" information from a television signal, but does extract **any** information whenever it is present in **any** of multiple television channels' videotext / teletext. In other words, the information extracted by a decoder circuit is usually present in television channels, which are **not** currently displayed and viewed by a TV viewer. Furthermore, even in a TV channel currently viewed by a television user, the information **automatically** extracted by Staron's videotext / teletext system (i.e. a **classic** videotext / teletext system), generally has **nothing** to do with the television signal, i.e. picture viewed by a user. Hence, Examiner's cited reference **teaches away** from Applicant's claimed invention (Examiner's cited references: `col. 1, ll. 18-10, col. 3, ll. 52-54, figure 1 and entire`).

5.3) Other Staron references cited by Examiner on Pages 7 and 8 (`col. 4, ll. 1-2; col. 1, ll. 20-21; col. 1, ll. 18-20, col. 4, ll. 6-10; col. 4, ll. 26-34; col. 4, ll. 1-46; figure 2, label 12`) are, respectfully, **incorrect** because of the fact that Staron is describing a **classic** videotext / teletext system. Staron does not teach Applicant's claimed ***new and unexpected use*** of teletext data, which is embedded in a currently viewed TV signal, and which is available for a **viewer to extract on-demand** in order to contact a representative of the TV advertisement.

To suggest that Staron teaches use of a specific teletext channel data extraction, of a currently viewed television advertisement, as taught by Applicant, is **conjectural modification of a prior art disclosure** which is unwarranted by such a disclosure and **is therefore improper** [Carl Schenck, A.G. v. Norton Corp., 713 F.2d 782, 218 U.S.P.Q. (BNA) 698, 702 (Fed. Cir. 1983)].

5.4) On Page 9, Examiner asserts that "`Staron and Chang teaches wherein said page of teletext data with [`*`sic`*`] inserted in said television advertisement picture signal occurring at an advertisement teletext insertion time, said advertisement teletext insertion time occurring in non real-`

`time to said television advertisement picture signal transmission to said television apparatus`". (i) Examiner then cites Staron (`col. 3, ll. 52-54`) as evidence to "`meet wherein said page of teletext data with [`*`sic`*`] inserted in said television advertisement picture signal occurring at an advertisement teletext insertion time`" and (ii) Examiner cites Chang (`Para. 0029, ll. 1-4`) as evidence to "`occurring in non real-time to said television advertisement picture signal transmission to said television apparatus`". Applicant respectfully **disagrees** with Examiner's conclusions. Applicant now considers each of these cited references:

5.4.1) Regarding Examiner's cited reference Staron (`col. 3, ll. 52-54`) it does **not** teach "`said page of teletext data with [`*`sic`*`] inserted in said television advertisement picture signal occurring at an advertisement teletext insertion time`" as asserted by Examiner, but **does** teach "`teletext data are then encoded by an encoder 4 into a specific digital data transmission format which, if we wish, can avoid using the CEEFAX format, in order to be modulated and emitted through an emitter 5`". In other words, it teaches the **transmission means of sending teletext data between a *viewer's television set / set-top box*, and a *viewer's remote control device***. Applicant's invention inserts an advertisement's teletext contact data ***before*** it is broadcast to a viewer's television apparatus. Examiner's cited reference teaches transferring teletext data **from** a viewer's TV **to** a viewer's remote control device ***after*** the television signal has been broadcast, received and decoded by a Staron viewer's TV apparatus. To suggest that Staron teaches otherwise as taught by Applicant, is **conjectural modification of a prior art disclosure** which is unwarranted by such a disclosure and **is therefore improper** [Carl Schenck, A.G. v. Norton Corp., 713 F.2d 782, 218 U.S.P.Q. (BNA) 698, 702 (Fed. Cir. 1983)].

5.4.2) Regarding Examiner's cited reference Chang (`Para. 0029, ll. 1-4`) as evidence to "`occurring in non real-time to said television advertisement picture signal transmission to said television apparatus`", this is clearly **not** taught in Chang.

This cited reference of Chang teaches pushing data to a television device via the "`Internet`" so that the data "`may be reviewed while disconnected from the Internet`"(`Para. 0029`). This **teaches away** from Applicant's claimed invention, which does **not** teach the use of the Internet to push contact data to a television apparatus, but teaches the use of teletext data transmitted **simultaneously** with, i.e. embedded within, a broadcast television advertisement signal. To suggest that Chang teaches otherwise as taught by Applicant, is **conjectural modification of a prior art disclosure** which is unwarranted by such a disclosure and **is therefore improper** [Carl Schenck, A.G. v. Norton Corp., 713 F.2d 782, 218 U.S.P.Q. (BNA) 698, 702 (Fed. Cir. 1983)].

5.5) In conclusion, Applicant respectfully **disagrees** with Examiner's assertion that "`it would have been obvious to one of ordinary skills in the art at the time the invention was made to notify Staron to in [`*`sic`*`] include occurring [`*`sic`*`] in non real-time to said television advertisement picture signal` `transmission to said television apparatus as taught by Chang` **`in order to support an advertisement response system wherein viewer can access advertisement information even when the system is offline`**" (emphasis added).

5.5.1) Firstly, taking into consideration Applicant's sections (5.4.1) and (5.4.2) above, which clearly refute Examiner's cited references' applicability to Applicant's Claim 3.

5.5.2) Secondly the fact that Applicant's Claim 3 does **<u>not</u>** claim "**`to support an advertisement response system wherein viewer can access advertisement information even when the system is`** **<u>`offline`</u>**" (emphasis added), as reasoned by Examiner. Applicant's Claim 3 would enable a viewer to "**`access advertisement information`**", i.e. a currently viewed television advertisement's contact data, in real-time, i.e. **<u>not necessarily</u>** "**`offline`**" as reasoned by Examiner.

6. Regarding Examiner's Response on Page 9 regarding **Claim 5** as rejected under 35 USC 103(a);

6.1) Examiner's rejection of **<u>Claim 5</u>** is moot because **<u>Claim 5 is a Dependent Claim</u>** and is *a fortiori* patentable over Staron.

6.2) Staron (`col. 4, ll. 33-46`) does **<u>not</u>** teach transmission of a retrieved page of teletext data to a "`third electronic device`" as claimed by Applicant. Staron (`col. 4, ll. 33-46`) teaches "`the` **`television viewer can see the picture on his television and teletext pages on his`**

**remote control at the same time.** For example, a presently preferred method of displaying videotext pages is to display the page containing the summary of the service on one side of the screen, and the pages that the viewer can scroll on the other side. Another presently preferred display method is to display two pages of the same time allowing the viewer to scroll pages individually in the same way as one would browse through a book. To facilitate use in the latter display mode, page scrolling could be controlled by a scroll button, for example a rocker switch type control button 12, that causes the next or previous page or pages to be displayed when the viewer rocks the switch in one direction or the other" (col. 4, ll. 33-46) [emphasis added]. In Applicant's **Claim 3 (b)**, the remote control device is claimed as "wherein said **remote control device is a *second* electronic device**" (emphasis added) and ***not*** as "**a *third* electronic device**" (emphasis added). Examiner's cited reference Staron (col. 4, ll. 33-46) teaches a remote control device, which would be similar to Applicant's claimed "***second* electronic device**".

6.3) On Page 10, regarding Examiner's cited reference that "Goreta teaches **selection and deletion** of said page of teletext data stored **in said second memory in said remote control device** (column 5, ll. 24-31, & figure 2, label 9)" (emphasis added), Applicant respectfully **disagrees** with Examiner's assertion and considers each

Examiner cited reference in turn as follows;

6.3.1) Goreta (`column 5, ll. 24-31`) does **<u>not</u>** teach "`memory in said remote control device`" as claimed by Applicant, but **<u>does</u>** teach the "`processor 10 has a connection 10d for` **`controlling the display`** `of data specific to the programs connected to a selector 12 between the teletext memory 6 and the teletext display 7. Another connection 10e between the processor 10 and the controller and the display 7 ensures that the processor 10 controls the teletext functions in several different ways (`**`display alone or display on top of the picture, signaling method, etc.`**`)`" (emphasis added). Firstly, Goreta's "`processor 10`" and associated circuitry are all part of **<u>a television apparatus</u>** and **<u>not</u>** a remote control device as claimed by Applicant - see as well Goreta (`col. 1, ll. 61-67 and col. 2, ll. 1-22; col. 4, ll. 49-65; FIG. 1; FIG. 2`). Secondly, Examiner's cited reference teaches the **<u>display</u>** of teletext data and **<u>not</u>** "`selection and deletion`" of data as claimed by Applicant.

6.3.2) Goreta (`figure 2, label 9`) is an "`erasable memory`" **<u>in a television apparatus and *not* in a remote control device</u>** as claimed by Applicant - see as well Goreta (`col. 1, ll. 61-67 and col. 2, ll. 1-22 ; col. 4, ll. 49-65; FIG. 1; FIG. 2`).

To suggest that Goreta (`column 5, ll. 24-31, & figure 2, label 9`) teach "`selection and deletion of said page of teletext data stored in said second` `memory in said remote control device`", as taught by Applicant, is **<u>conjectural modification of a prior art disclosure</u>** which is unwarranted by such a disclosure and **<u>is therefore improper</u>** [<u>Carl Schenck, A.G. v. Norton Corp.</u>, 713 F.2d 782, 218 U.S.P.Q. (BNA) 698, 702 (Fed. Cir. 1983)].

In conclusion, Applicant respectfully **<u>disagrees</u>** with Examiner's assertion that "`it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the advertisement response system of Staron to include selection and deletion of said page of teletext data stored in said second memory in said remote control device as taught by Goreta` **`in order to increase user control over data management in external device memory`**" (emphasis added).

7. Regarding Examiner's Response on Page 10 regarding **Claim 7** as rejected under 35 USC 103(a); Examiner's rejection of **Claim 7** is (a) moot because **<u>Claim 7 is a Dependent Claim</u>** and is *a fortiori* patentable over Staron and (b) Examiner's cited reference Staron `(col. 1, ll. 41-46)` does **<u>not</u>** teach a digital teletext system.

8. Regarding Examiner's Response on Page 10 regarding **Claim 8** as rejected under 35 USC 103(a); Examiner's rejection of **Claim 8** is (a) moot because **<u>Claim 8 is a Dependent Claim</u>** and is *a fortiori* patentable over Staron and (b) Examiner's cited reference Staron `(figures 1-2)` do **<u>not</u>** teach a third electronic device as claimed by Applicant.

9. Regarding Examiner's Response on Page 10 regarding **Claim 11** as rejected under 35 USC 103(a); Examiner's rejection of **Claim 11** is (a) moot because **<u>Claim 11 is a Dependent Claim</u>** and is *a fortiori* patentable over Staron and (b) Examiner's cited

reference Staron `(figure 1, label 11)` does **<u>not</u>** include a Bluetooth-enabled circuit as claimed by Applicant. It is well know in the art that a Bluetooth circuit is much more than simply a "`communications link 11, and is presently preferred to be a radio wave (RF) emitter`" Staron (`col. 4, ll. 57-58`).

10. Regarding Examiner's Response on Page 10 regarding **Claim 12** as rejected under 35 USC 103(a); Examiner's rejection of **Claim 12** is (a) moot because **<u>Claim 12 is a Dependent Claim</u>** and is *a fortiori* patentable over Staron and (b) Examiner's cited reference Staron `(figure 1, label 11)` does **<u>not</u>** include a Bluetooth-enabled circuit as claimed by Applicant. It is well know in the art that a Bluetooth circuit is much more than simply a "`communications link 11, and is presently preferred to be a radio wave (RF) emitter`" Staron (`col. 4, ll. 57-58`).

11. Regarding Examiner's Response on Page 11 regarding **Claim 13** as rejected under 35 USC 103(a);

    11.1) Examiner asserts that Staron teaches "`a method to extract on-demand television advertisement contact information by a television viewer (figure 1-2)`". Applicant respectfully **<u>disagrees</u>** with this assertion. Staron clearly teaches an extension to a **<u>classic</u>** videotext / teletext system, whereby (i) videotext / teletext is **<u>automatically</u>**, i.e. **<u>not on-demand</u>** by a user for displayed television advertisements as taught by Applicant, and (ii) **<u>automatically</u>** transferred from a television apparatus to a remote control device, which provides an independent, portable, read-only videotext / teletext sub-system (see Staron `col. 1, ll. 38-50; col. 3, ll. 12-16, col. 3, ll. 20-27; col. 4, ll. 52-67; col. 4, ll. 8-19; col. 4, ll. 25-50; col. 5, ll. 24-31`).

11.2) Examiner asserts that Staron teaches "embedding said television advertisement contact information in a television picture signal of a television advertisement; wherein said embedded television advertisement contact information represents a page of teletext data (col. 4, ll. 35-46, col. 4, ll. 1-2, col. 1, ll. 20-21, & col. 1, ll. 18-20)". Applicant respectfully **disagrees** with Examiner's assertion for the primary reason that the cited Examiner's references all describe a **classic** videotext / teletext system, with a "portability" modification using a viewer's remote control device, which **teaches away** from Applicant's claimed invention (see as well above in Applicant's **Remarks Summary** section [b]);

11.2.1) Examiner's citation of Staron (col. 4, ll. 35-46) teaches "the television **viewer can see the picture on his television and teletext pages on its remote control at the same time.** For example, a presently preferred method of displaying videotext pages is to display the page containing the summary of the service on one side of the screen, and the pages that the viewer can scroll on the other side. Another presently preferred display method is to display two pages of the same time allowing the viewer to scroll pages individually in the same way as one would browse through a book. To facilitate use in the latter display mode, **page scrolling could be controlled by a scroll button, for example a rocker switch type control button 12, that causes the next or**

**previous page or pages to be displayed when the viewer rocks the switch in one direction or the other**" (emphasis added). See above Applicant's **Remarks Summary** section (b).

11.2.2) Examiner's citation of Staron (`col. 4, ll. 1-2`) teaches the "`teletext data storage memory may be located between the television encoder 4 and emitter 5`", but goes on to specify "`however it is presently preferred to put the memory in the control device 6` **in order to limit the amount of data transmitted between the television and the control device and make it more comfortable to use**" (emphasis added) (`col. 4, ll. 2-7`). This cited reference simply teaches that the **classic** videotext / teletext storage memory, for pages of teletext data, which have been **automatically** (i.e. **not** on-demand by a TV viewer as claimed by Applicant's invention), extracted from **multiple broadcast channels** (i.e. ***not*** **from a specific displayed television channel which a viewer is currently watching**), may be located in the television apparatus, but is preferably located in the remote control device "**in order to limit the amount of data transmitted between the television and the control device and make it more comfortable to use**" (`col. 4, ll. 2-7`). Furthermore, the Staron invention's decoder's **automatically** extracted videotext / teletext data **must** be transmitted **automatically** to a remote control device so that "`the television viewer can see the picture on his television and teletext pages on its remote control at the same time`" (Staron `col. 4, ll. 34-36`).

11.2.3) Examiner's citation of Staron (`col. 1, ll. 20-21`) teaches "`[v]ideotext signals are` **`transmitted on the`** **<u>`various channels`</u>** `at the same time as video and audio signals`" (emphasis added). This is a **<u>classic</u>** videotext / teletext system, which **<u>teaches away</u>** from Applicant's invention.

11.2.4) Examiner's citation of Staron (`col. 1, ll. 18-20`) teaches "`giving a wide variety of miscellaneous information, such as for example news, weather forecasts and television programs`". This is a **<u>classic</u>** videotext / teletext system, which **<u>teaches away</u>** from Applicant's invention.

To suggest that the above cited Staron references (i.e. Applicant's sections [11.2.1], [11.2.2], [11.2.3] and [11.2.4]) teach embedding of specific television advertisement contact teletext data in a specific broadcast signal, use of a specific teletext channel data extraction of a viewed television advertisement, as taught by Applicant, is **<u>conjectural modification of a prior art disclosure</u>** which is unwarranted by such a disclosure and **<u>is therefore improper</u>** [<u>Carl Schenck, A.G. v. Norton Corp.</u>, 713 F.2d 782, 218 U.S.P.Q. (BNA) 698, 702 (Fed. Cir. 1983)].

11.3) Examiner asserts that Staron teaches "`(c) extracting a multiplicity of said contact information of teletext contact data on said television apparatus, and storing said page of teletext contact data in a first memory means in said television apparatus (col. 3, ll. 52-54)`". The cited Staron reference (`col. 3, ll. 52-54`) teaches "`[a]dvantageously,` **`teletext data are then encoded by an encoder 4`** `into a specific digital data transmission format which, if we wish, can avoid using the CEEFAX format,` **`in order to be modulated and emitted through an emitter 5`**" (emphasis added). Clearly, Staron "`teletext data`" has already been **automatically** (i.e. ***not*** **on-demand** by a TV viewer as claimed by Applicant) extracted from a **multiplicity of classic** teletext television channels by a TV apparatus, which has received the broadcast television channels. This reference clearly **teaches away** from Applicant's invention, which teaches ***a new and unexpected use*** of extracting, on-demand by a TV viewer, an actively viewed television advertisement's teletext contact data.

To suggest that the above cited Staron reference teaches **on-demand** by a TV viewer extracting **of a displayed** TV advertisement's contact information, as taught by Applicant, is **conjectural modification of a prior art disclosure** which is unwarranted by such a disclosure and **is therefore improper** [Carl Schenck, A.G. v. Norton Corp., 713 F.2d 782, 218 U.S.P.Q. (BNA) 698, 702 (Fed. Cir. 1983)].

11.4) Examiner asserts that Staron teaches "`(d) using a remote control device to transmit on-demand` [by a TV viewer] `a multiplicity of said page of teletext data of a displayed television advertisement picture on said active television apparatus from said first memory means in said active television apparatus to a second memory means in said remote control device; and […] (col. 4, ll. 1-48)`". As mentioned above, in numerous sections (including [3], [5] and [6]), Staron does **not** teach "`using a remote` `control device to transmit` **`on-demand`** `a multiplicity of said page of teletext data of` **`a displayed television advertisement picture on said active television`** `apparatus` **`from said first memory means in said active television apparatus to a second memory means in said remote control device`**" (emphasis added), as claimed by Applicant. Staron teaches an **extension** to a **classic** videotext / teletext system whereby:

a) Videotext / teletext is broadcast on **multiple, simultaneous television channels**, on various subjects (e.g. Staron's "`news, weather forecasts and television programs`", `col. 1, ll. 18-20`), **independent of what (i.e. unrelated to)** a television viewer currently sees on a TV screen (Staron `col. 3, ll. 20-27`).

b) The television apparatus **automatically** extracts **classic** videotext / teletext from **multiple** broadcast channels (Staron `col. 3, ll. 20-27; col. 4, ll. 25-33`).

c) The **classic, *automatically*** extracted videotext / teletext is then **automatically** transferred from the television apparatus to a remote control device (`col.3, ll. 52-67`), similar to the **automatic, classic** extraction of teletext data from broadcast television signals.

d) A television viewer can then browse and read the videotext / teletext stored in the Staron remote control device and use the TV to watch a specific TV program without a viewing conflict when reading **classic** videotext / teletext (Staron `col. 4, ll. 34-36`).

To suggest that the above cited Staron reference teaches "`using a remote control device to transmit on-demand a multiplicity of said page of teletext data of a displayed television advertisement picture on said active television apparatus from said first memory means in said active television apparatus to a second memory means in said remote control device`", as taught by Applicant, is **<u>conjectural modification of a prior art disclosure</u>** which is unwarranted by such a disclosure and **<u>is therefore improper</u>** [<u>Carl Schenck, A.G. v. Norton Corp.</u>, 713 F.2d 782, 218 U.S.P.Q. (BNA) 698, 702 (Fed. Cir. 1983)].

11.5) Examiner asserts "`Staron and Chang teaches wherein said page of teletext data embedded in said television advertisement picture signal occurring at an advertisement teletext insertion time, said advertisement teletext insertion time occurring in non real-time to said television advertisement picture signal transmission to said television apparatus`" and Examiner continues with the following specifics:

11.5.1) Examiner cites "`Staron teaches embedding miscellaneous information in the form of teletext into a television signal (col. 3, ll. 52-54) which meets` **`'wherein said page of teletext data embedded in said television advertisement picture signal occurring at an advertisement teletext insertion time`**'" (emphasis added). It is clear to one who is knowledgeable in the art, that the cited

Staron reference does **not** teach what Applicant claims. This Staron reference **does** teach a method of **automatically** transferring, **already extracted (by the *classic* videotext / teletext television apparatus), classic** teletext data, between the television apparatus, (which has already extracted the **classic** teletext data from **multiple** simultaneous broadcast TV channels) to a remote control device. In a **classic** teletext system, as taught by Staron, teletext data is inserted into multiple, simultaneously broadcast TV channels, **independent** of the picture carried on **each** TV broadcast channel.

Furthermore, Staron clearly does **not** teach, or suggest, anything about Applicant's "`page of teletext data embedded in said television advertisement picture signal occurring at an advertisement teletext insertion time, said advertisement teletext insertion time occurring in non real-time to said television advertisement picture signal transmission to said television apparatus`".

11.5.2) Examiner cites "`Chang teaches pushing advertiser contact information (telephone number) into local STB [`*`sic`*`] for off-line review (Para. 0029, ll. 1-4) which meets` **`'occurring in non real-time to said television advertisement picture signal transmission to said television apparatus'`**" (emphasis added). It is clear to one who is knowledgeable in the art, that the cited Chang reference does **not** teach what Applicant claims. This reference teaches pushing data to a television device via the "`Internet`" so that the data "`may be reviewed while disconnected from the Internet`" (`Para. 0029`). Firstly, it is **unclear** by combining these two references as to **how Chang Internet transferred teletext data would be matched with a specific TV advertisement viewed in real-time by a viewer on a Staron TV apparatus**. Secondly, Applicant does **not** teach using this method, i.e. it clearly **teaches away** from Applicant's invention. **Applicant's invention teaches *combining* an advertisement's teletext contact data with an advertisement's picture signal, i.e. an advertisement's contact data and picture are *inseparable*, and are broadcast *simultaneously* to the viewer, and processed *simultaneously* by a viewer's television apparatus and remote control device, when "demanded" by a viewer, i.e. on viewer demand only, and *not automatically* as taught by Staron**. Examiner's combining of Staron and Chang teaches **separating contact data and an actual advertisement picture signal into *different broadcast media*** (i.e. Internet and broadcast TV signals) and transmitting them **separately** to the viewer's television apparatus, which somehow, because it is **not clearly disclosed in either reference**, recombined and associated by a viewer's television apparatus with a real-time broadcast television advertisement that a viewer is interested in.

Examiner concludes that "`it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Staron to in [`*`sic`*`] include occurring in non real-time to said television advertisement picture signal transmission to said television apparatus as taught by Chang in order to support an advertisement response system wherein viewer can access advertisement information even when the system ids [`*`sic`*`] offline`". Applicant respectfully **disagrees** with Examiner's conclusion for the reasons stated above in sections (11.5.1) and (11.5.2).

Furthermore, Applicant respectfully submits that combining the above cited references from Staron and Chang **is not legally justified and is therefore improper** [In re Sernaker, 217 U.S.P.Q. 1, 6 (C.A.F.C. 1983), Orthopedic Equipment Co, v. United States, 217 U.S.P.Q. 193, 199 (C.A.F.C. 1983), Uniroyal, Inc. v. Rudkin-Wiley Corp., 5 U.S.P.Q. 2d 1434 (C.A.F.C. 1988) and Ex parte Levengood, 28 U.S.P.Q. 2d 1300 (P.T.O.B.A.&I. 1993)].

12. Regarding Examiner's Response on Page 12 regarding **Claim 14** as rejected under 35 USC 103(a); Examiner's rejection of **Claim 14** is (a) moot because **Claim 14 is a Dependent Claim** and is *a fortiori* patentable over Staron and (b) Examiner's cited reference does **not** teach "`(e) selecting a specific page of teletext data in said first memory means in said active television apparatus and transmitting said page of teletext to said remote control device […] (f) storing said transmitted page of teletext data […] (h) displaying said page of teletext data on said television apparatus display using said remote control device (col. 4, ll. 1-49)`". On Page 13, Examiner continues regarding Applicant's Claim 15 "`Staron teaches the method comprising the additional steps: (i) […] (j) […] (k) […] (col. 4, ll. 1-49)`".

Applicant respectfully **disagrees** with Examiner's assertions. Staron teaches an **extension to a classic videotext / teletext system** whereby:

a) Videotext / teletext is broadcast on **multiple, *simultaneous* television channels**, on various subjects (e.g. Staron's "`news, weather forecasts and television programs`", `col. 1, ll. 18-20`), **independent** of what a television viewer sees on a TV screen (see Staron `col. 3, ll. 20-27`).

b) A television apparatus **<u>automatically</u>** extracts the **<u>classic</u>** videotext / teletext from **<u>multiple</u>** broadcast channels (Staron `col. 3, ll. 20-27; col. 4, ll. 25-33`).

c) ***Classic*****, automatically** extracted videotext / teletext is then **automatically** transferred from a television apparatus to a remote control device (Staron `col.3, ll. 52-67`), **<u>without</u>** a viewer's **<u>on-demand</u>** interaction.

d) A Staron TV viewer can then browse and read videotext / teletext stored in a remote control device and use the TV to watch a specific TV program without a TV display conflict when reading **<u>classic</u>** videotext / teletext (Staron `col. 4, ll. 34-36`).

To suggest that the above cited Staron reference teaches what is claimed by Applicant, is **<u>conjectural modification of a prior art disclosure</u>** which is unwarranted by such a disclosure and **<u>is therefore improper</u>** [<u>Carl Schenck, A.G. v. Norton Corp.</u>, 713 F.2d 782, 218 U.S.P.Q. (BNA) 698, 702 (Fed. Cir. 1983)].

13. Regarding Examiner's Response on Page 13 regarding **Claim 15** as rejected under 35 USC 103(a); Examiner's rejection of **Claim 15** is (a) moot because **<u>Claim 15 is a Dependent Claim</u>** and is *a fortiori* patentable over Staron and (b) Examiner asserts "`Staron is silent on using said page of teletext data stored in said second memory means to contact a representative of said television advertisement using a third electronic device over a network means. Chang teaches using said page of teletext data stored in said second memory means to contact a representative of said television advertisement using a third electronic device over a network means (Para. 0043, entire). 0Therefore [`*sic*`] it would have been obvious to one of ordinary`

skills in the art at the time the invention was made to modify Staron to in [*sic*] include using said page of teletext data stored in said second memory means in said remote control device to contact a representative of said television advertisement, using a third electronic device over a network means as taught by Chang in order to support an advertisement response […] (Para. 0030, ll. 3-7)". Applicant respectfully **disagrees** with Examiner's assertion for the following reasons:

13.1) Firstly, Chang (Para. 0043, entire) teaches "a first example of the operation of the present invention a user is viewing a broadcast television program such as a football game. A **user may choose to make a phone call** during the program to, for example, **speak with a friend** about how their favorite team is performing. The present **invention enables the user to place a call and conduct a normal telephone conversation using the remote control to receive the calling party's voice and the television speaker or a speaker integral to the set-top box appliance to hear the called party's voice during the call.** If the TV speakers are used the user cannot listen to the television broadcast while conducting a telephone conversation" (emphasis added). Clearly this cited reference of Chang teaches the integration and use of a remote control device and television speakers **in place of a normal telephone**, i.e. remote-control + TV-speakers = Chang-telephone. This reference **teaches away** from Applicant's invention.

13.2) Secondly, it was forcefully stated in Orthopedic Equipment Co. v. United States, 217 U.S.P.Q. 193, 199 (CAFC 1983): "It is wrong to use the patent in suit as a guide through the maze of prior art `references, combining the right references in the right way to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving nonobviousness in a court of law`" [see as well Uniroyal, Inc. v. Rudkin-Wiley Corp., 5 U.S.P.Q.2d 1434 (CAFC 1988)]. Applicant respectfully submits that the **cited references were improperly combined**.

14. Regarding Examiner's Response on Page 14 regarding **Claim 16** as rejected under 35 USC 103(a); Examiner's rejection of **Claim 16** is (a) moot because **Claim 16 is a Dependent Claim** and is *a fortiori* patentable over Staron, (b) Examiner's cited Staron reference (`figure 1, label 15`) does **not** include the claimed devices and (c) Examiner stated on Page 13 that "`Staron is silent on using said page of teletext data stored in said second memory means to contact a representative of said television advertisement` **`using a third electronic device`** `over a network means`" (emphasis added), which, respectfully, **contradicts Examiner's rejection** of Claim 16.

15. Regarding Examiner's Response on Page 14 regarding **Claim 17** as rejected under 35 USC 103(a); Examiner's rejection of **Claim 17** is (a) moot because **Claim 17 is a Dependent Claim** and is *a fortiori* patentable over Staron and (b) Examiner's cited Staron reference (`col. 1, ll. 64-67`) does **not** include an Internet.

16. Regarding Examiner's Response on Page 14 regarding **Claim 18** as rejected under 35 USC 103(a); Examiner's rejection of **Claim 18** is (a) moot because **Claim 18 is a Dependent Claim** and is *a fortiori* patentable over Staron and (b) Examiner's cited Staron reference (`figure 1, entire`) makes **no** reference of any broadcasting methodology as claimed by Applicant.

17. Regarding Examiner's Response on Page 14 regarding **Claim 20** as rejected under 35 USC 103(a); Examiner's rejection of **Claim 20** is (a) moot because **<u>Claim 20 is a Dependent Claim</u>** and is *a fortiori* patentable over Staron and (b) Examiner's cited Staron reference (`col. 1, ll. 54-57`) does **<u>not</u>** mention a digital teletext system, but teaches "`the television viewer will find this invention easy to use` **`for reading videotext pages`** `and` **`for controlling the programs on the viewer's television or video cassette recorder`**" (emphasis added).

18. Regarding Examiner's Response on Page 14 regarding **Claim 21** as rejected under 35 USC 103(a); Examiner's rejection of **Claim 21** is (a) moot because **<u>Claim 21 is a Dependent Claim</u>** and is *a fortiori* patentable over Staron and (b) Examiner's cited Staron reference (`figure 1, label 15`) teaches an "`element 15 represents a number of different set top boxes or peripherals, such as a cable interface, a satellite receiver or a telephone network interface`" (col. 2, ll. 64-66). Staron does **<u>not</u>** teach the need for, **<u>nor</u>** does Staron teach the capability to print an advertisement's contact information, as claimed by Applicant.

19. Regarding Examiner's Response on Page 14 regarding **Claims 22-24** as each rejected under 35 USC 103(a); Examiner's rejection of **Claims 22-24** is (a) moot because **<u>Claims 22-24 are each Dependent Claims</u>** and are each *a fortiori* patentable over Staron and (b) Examiner's cited Staron reference (`col. 1, ll. 54-57 (start and end points are inherent)`) does **<u>not</u>** address Applicant's claimed ***new and unexpected use*** of tagging a displayed television advertisement's page of contact data **<u>in order to differentiate it from other teletext data which may be present in the viewed TV channel</u>**.

20. Regarding Examiner's Response on Page 14 regarding **Claim 4** as rejected under 35 USC 103(a); Examiner's rejection of **Claim 4** is (a) moot because **<u>Claim 4 is a Dependent Claim</u>** and is *a fortiori* patentable over Staron. Examiner asserts that

"Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable Staron, in view of Chang, in view of US Patent 5,973,747 to Goreta". Examiner then states on Page 15:

20.1) Examiner asserts that "Staron teaches the remote control device (figure 2, entire), wherein said set of communications instructions include: (i) **retrieval and display of said page of teletext data for an advertisement displayed on said television apparatus**; (ii) **retrieval and display of said page of teletext data stored in said television apparatus first memory**; (iv) **retrieval of said page of teletext data stored in said television apparatus memory** (col. 4, ll. 33-46)" (emphasis added). The cited Staron reference teaches "[...] the television **viewer can see the picture on his television and teletext pages on its remote control at the same time.** For example, a presently preferred method of displaying videotext pages is to display the page containing the summary of the service on one side of the screen, and the pages that the viewer can scroll on the other side. Another presently preferred display method is to display two pages of the same time allowing the viewer to scroll pages individually in the same way as one would browse through a book. To facilitate use in the latter display mode, **page scrolling could be controlled by a scroll button,** for example a rocker switch type control button 12, that causes the next or previous page or pages to be displayed when the viewer rocks the switch in one direction or the other" (emphasis added). Clearly, this cited reference does **not** teach what Applicant has claimed. Furthermore, as mentioned above (see section [3.4]), Staron teaches a system whereby a modified television remote control becomes **an**

**extension of a *classic* videotext / teletext system,** whereby a television apparatus's **automatically** extracted teletext data is in turn, **automatically** transmitted from the TV / set-top box to the remote control device, i.e. **not** on-demand by a television viewer, and stored in a memory on the remote control so that a **viewer can browse teletext pages stored in the remote control whilst still viewing a chosen television channel**, i.e. "[the television viewer can see the picture on his television and teletext pages on its remote control at the same time" (Staron col. 4, ll. 34-36). In a **classic** videotext / teletext system, whenever a viewer wants to browse teletext page information, **which is generally unrelated to the viewed picture**, the television screen is dedicated to the teletext information viewing system, i.e. interrupting, and replacing the viewer's chosen television program. This is obvious to one skilled in the art, and especially to one who has viewed such a system in real-time. Examiner's cited reference **teaches away** from Applicant's invention.

20.2) Examiner then asserts that "Staron is silent on selection and deletion of said page of teletext data stored in said first memory in said television apparatus; **Goreta teaches selection and deletion of said page of teletext data stored in said first memory in said television apparatus** (column 5, ll. 24-31, & figure 2, label 9)" (emphasis added). Goreta (column 5, ll. 24-31) teaches "[...] processor 10 has a connection 10d **for controlling the *display* of data specific to the programs connected to a selector 12 between the teletext memory 6 and the teletext display 7.** Another connection 10e between the processor 10 and the controller and display 7 ensures that the processor 10 controls the teletext functions in several different ways (***display* alone or *display* on top of the picture, signalling method, etc.**)" (emphasis added). There is ***no*** mention in this Goreta reference of "**selection and deletion** of said page of `teletext data stored in said first memory in said television apparatus`" as claimed by Examiner, even in combination with Examiner's other cited reference of Goreta (`figure 2, label 9`).

It was forcefully stated in Orthopedic Equipment Co. v. United States, 217 U.S.P.Q. 193, 199 (CAFC 1983): "`It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving nonobviousness in a court of law`" [see as well Uniroyal, Inc. v. Rudkin-Wiley Corp., 5 U.S.P.Q.2d 1434 (CAFC 1988)]. Applicant respectfully submits that the cited references (`Staron col. 4, ll. 33-46; Goreta column 5, ll. 24-31, & figure 2, label 9`) were improperly combined and hence it would **not legally** "`have been obvious to one of ordinary skills in the art at the time the invention was made to modify the advertisement response system of Staron to include selection and deletion of said page of teletext data stored in said first memory in said television apparatus as taught by Goreta` **`in order to increase user control over data management in external device memory`**" (emphasis added).

## Conclusion

With respect to Applicant's responses above, namely (1.0) through (20.2) in conjunction with the currently amended claims, Applicant's cited claims are part of a larger method / system which should be viewed "as a whole" (*Graham v. John Deere, 383 U.S. 1, 148 USPQ 459 [1966]*), rather than piecemeal. When viewed "as a whole", Applicant respectfully submits that the invention is *non-obvious and was not known to others* at the time that the invention was made, and hence is patentable over Staron in view of Chang and in view of Goreta under 35 USC § 102 and § 103.

Very Respectfully

Lester Sussman
Applicant Pro Se